

**Board of Pharmacy
Pharmacist-In-Charge
Amendments to Title 16, Section 1709.1**

§1709.1. Designation of ~~Pharmacist in Charge~~. Pharmacist-In-Charge.

(a) The pharmacist-in-charge of a pharmacy shall be employed at that location and shall have responsibility for the daily operation of the pharmacy.

(b) The pharmacy owner shall vest the pharmacist-in-charge with adequate authority to assure compliance with the laws governing the operation of a pharmacy.

(c) No pharmacist shall be the pharmacist-in-charge of more than two pharmacies. If a pharmacist serves as pharmacist-in-charge at two pharmacies, those pharmacies shall not be separated by a driving distance of more than 50 miles. ~~one pharmacy, except that a pharmacist may serve as a pharmacist-in-charge for two pharmacies if (1) the pharmacist-in-charge is the only pharmacist at each pharmacy and (2) the pharmacies do not have overlapping hours of business.~~

(d) No pharmacist shall be the pharmacist-in-charge of a pharmacy while concurrently serving as the ~~exemptee-in-charge~~ sole pharmacist for a wholesaler, ~~a medical device retailer~~ or a veterinary food-animal drug retailer.

(e) Notwithstanding subdivision (a), A pharmacy may, ~~on an interim basis~~, designate as the ~~interim pharmacist-in-charge~~ any registered pharmacist who is an employee, officer or administrator of the pharmacy or the entity which owns the pharmacy and who is actively involved in the management of the pharmacy on a daily basis as the pharmacist-in-charge for a period not to exceed 120 days. ~~or in the practice of pharmacy at the pharmacy involved.~~ The pharmacy, or the entity which owns the pharmacy, shall be prepared during normal business hours to provide a representative of the board with documentation of the involvement of ~~a the interim pharmacist-in-charge~~ designated pursuant to this subdivision with the pharmacy and efforts to obtain and designate a permanent pharmacist-in-charge.

~~The interim basis shall not exceed 120 days.~~

(f) A pharmacist may refuse to act as a pharmacist-in-charge at a second pharmacy if the pharmacist determines, in the exercise of his or her professional judgment, that assuming responsibility for a second pharmacy would interfere with the effective performance of the pharmacist's responsibilities under the Pharmacy Law. A pharmacist who refuses to become pharmacist-in-charge at a second pharmacy shall notify the pharmacy owner in writing of his or her determination, specifying the circumstances of concern that have led to that determination.

(g) A person employing a pharmacist may not discharge, discipline, or otherwise discriminate against any pharmacist in the terms and conditions of employment for exercising or attempting to exercise in good faith the right established pursuant to this paragraph.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4081, 4113, 4305, and 4330, 4331 ~~and~~ 4332, Business and Professions Code.